



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,006	07/23/2003	Masanori Kawai	04995/107001	8437
7590	01/24/2008		EXAMINER	
Jonathan P. Osha ROSENTHAL & OSHA L.L.P. Suite 2800 1221 McKinney St. Houston, TX 77010			STOKELY-COLLINS, JASMINE N	
			ART UNIT	PAPER NUMBER
			4178	
			MAIL DATE	
			01/24/2008	PAPER
			DELIVERY MODE	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/625,006	KAWAI, MASANORI	
	Examiner	Art Unit	
	JASMINE STOKELY-COLLINS	4178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 November 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 November 2007 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>7/23/2003</u> .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The requested drawing corrections were received on 11/09/2007. These drawings are accepted by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashimizu et al (US 2005/0152686 A1) in view of Lett (US 5,592,551) and Potrebic (US 6,897,904 B2), and further in view of Goldstein (US 5,410,326).

Regarding claim 1, Takashimizu teaches a digital broadcast receiving and recording apparatus (figure 1) comprising:

a receiving section (figure 1 element 300: antenna) adapted to receive a digital broadcast signal of a selected channel (page 1 section 0005);
a digital data generating section adapted to generate digital data from the digital

broadcast signal (pages 2-3 sections 0031-0032);
a recording section adapted to record the digital data in a predetermined format
and to sequentially output the recorded digital data (page 3 section 0038); and
a control section (figure 1 element 409: control means).

Takashimizu does not teach a storage section adapted to store a favorite channel map indicating a favorite channel of a viewer; and
the control section is adapted to control the recording section to start recording the selected channel according to an operation for selecting a channel by a user, and to generate an EPG image of the favorite channel based on the favorite channel map, and
wherein if the selected channel is not included in the favorite channel map, the control section does not start recording the selected channel against the operation to the apparatus by a user except the selected channel is not changed over a predetermined time from a time selected.

Lett teaches a storage section adapted to store a favorite channel map indicating a favorite channel of a viewer (figure 11); and
to generate an EPG image of a favorite channel based on a favorite channel map (column 15 lines 19-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lett's favorite channel map and favorite channel EPG with the claimed invention in for the benefit of having a smaller guide that is quicker and easier for viewers (column 15 lines 27-28) to navigate.

Takashimizu in view of Lett does not teach the control section is adapted to control the recording section to start recording the selected channel according to an operation for selecting a channel by a user, and to generate an EPG image of the favorite channel based on the favorite channel map, and wherein if the selected channel is not included in the favorite channel map, the control section does not start recording the selected channel against the operation to the apparatus by a user except the selected channel is not changed over a predetermined time from a time selected.

Potrebic teaches a control section (figure 4 element 406: tuner controller) adapted to control the recording section to start recording the selected channel according to an operation for selecting a channel by a user (column 5 lines 2-5 and lines 22-24, figure 4 element 406) wherein the control section does not start recording the selected channel against the operation to the apparatus by a user (figure 5 and column 5 lines 42-63 teaches using a different tuner for the newly selected channel so that recording continues on the previous channel and does not carry over to the new channel). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the invention of Potrebic with the teachings of Takashimizu in view of Lett for the benefit of allowing a user to record a program while adding the ability to view other programming during that recording process.

Takashimizu in view of Lett and Potrebic does not teach limitation "if the selected channel is not included in the favorite channel map, the control section

does not start recording the selected channel except the selected channel is not changed over a predetermined time from a time selected.”

Goldstein teaches initiating recording of a channel which is either in a favorite channel map (column 26 lines 54-56) or viewed on a frequent basis (column 26 lines 17-25). Incorporating Goldstein's conditions for initiating the recording of a channel with the second tuner taught by Potrebic, which would not record the newly tuned channel by default, results in “if the selected channel is not included in the favorite channel map, the control section does not start recording the selected channel except the selected channel is not changed over a predetermined time from a time selected.” It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goldstein with the claimed invention for the benefit of automatically recording a user's preferred or favored channels and programs.

Regarding claim 2, see analysis of claim 1.

Regarding claim 3, see analysis of claim 1.

Regarding claim 4, see analysis of claim 1.

Regarding claim 5, Takashimizu in view of Lett and Goldstein discloses the apparatus of claim 2. Takashimizu further teaches an output section (figure 1

element 406: video encoder) adapted to convert the digital data into analog data and to output the analog data (page 3 section 0032).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al (US 6,804,825 B1) teaches automatically recording favorite programs.

Gorbatov et al (2003/0018980 A1) teaches starting and ending recording based on event identifiers.

Ukai et al (US 7,096,486 B1) teaches a broadcast receiving and recording system which determines programs to be recorded on the basis of calculated preference measures.

Yun (US 5,771,329 A) teaches a method of recording only intended programming when a channel change occurs.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasmine Stokely-Collins whose telephone number is 571-270-3459. The examiner can normally be reached on M-Th 8:00-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jasmine Stokely-Collins/
Examiner, Art Unit 4178
01/22/2008

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4178